



**CODE ENFORCEMENT BOARD
MINUTES: WEDNESDAY, APRIL 7, 2021**

The City of Florence, Kentucky Code Enforcement Board met at 10:00 a.m. on Wednesday, April 7, 2021 in the Council Chamber of the Florence Government Center with Code Enforcement Board Chairman, Jim Johnson presiding.

CALL TO ORDER & ROLL CALL:

Chairman Johnson called the meeting to order and requested a roll call. Present were the following five (5) Board members: David Spille, Lance Howard, Rick Rowland, Bill Sharp, and Jim Johnson.

Also present: Hugh O. Skees, Attorney; Brandi Roundtree, Assistant City Clerk; Jeremy Kleier, Community Services Superintendent; Mike Macaluso, Code Enforcement Officer; Brian DeCarlo, Code Enforcement Officer; David Rose, Code Enforcement Officer; Rodney Deno, Code Enforcement Officer; Randy Childress, Fire Marshal; and Kevin Duncan, Police Officer. In the audience: Becky Baird, contesting; Darlene Siewinski, contesting, William G. Knoebel, attorney for Darlene Siewinski; Devesh Patel, contesting; Jesse R. Shipp, contesting; James Mirick, witness; and Maribel Conner, contesting.

APPROVAL OF MINUTES:

Chairman Johnson called for a motion to approve the minutes of the March 3, 2021 meeting of the Code Enforcement Board. Board Member Sharp motioned to accept the minutes as read with a second from Board Member Howard. **Motion carried by unanimous vote.**

SWEARING IN:

The Code Enforcement Officers were sworn in by Chairman Johnson.

CONTESTED CASES (5):

**Contested Case # 2021-30-PM
128 Roger Lane**

**City of Florence vs. Becky Baird
Citation # RD-2021-02**

Officer Deno presented the case as follows: 10/21/20 observed rear downspout in disrepair, sent first notice; 11/23 second inspection completed, no change, sent second notice. Spoke with Ms. Baird regarding what needed to be done to come into compliance. Ms. Baird stated she would have a neighbor repair the downspout. 1/5/21 inspection completed, no change, issued first citation. Officer Deno spoke to Ms. Baird again regarding the repairs. Ms. Baird stated she was going to contest the citation. Inspection completed on 4/6, property is in compliance.

Becky Baird appeared and stated it took so long for the repairs to be completed as a result of illness from COVID-19 and the winter weather. As soon as the weather improved, the downspout was repaired. Ms. Baird requested the citation be dismissed. Mr. Rowland motioned to dismiss the citations. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

**Contested Case # 2021-76-ZG
48 Meadowcreek Drive
Contested by: William G. Knoebel, Attorney,
and Darlene Siewinski**

**City of Florence vs. Darlene Siewinski & Clyde Holcomb
Citation # DR-2021-18**

Officer Rose presented the case as follows: 12/15/20 observed fence installed backwards, sent first notice. Spoke to Ms. Siewinski on 1/18/21 and she stated Mills Fence obtained permission to install the fence backwards due to the neighbor's fence being directly on the property line. Officer Rose informed Ms. Siewinski that the fence was not in compliance and that it would need to be repaired. Ms. Siewinski became hostile and informed Officer Rose she would not repair the fence and obtain an attorney. 2/22, Spoke with Ms. Siewinski and she had obtained an attorney to

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represent her with regard to the fence issue between her and her neighbor. Again, informed Ms. Siewinski that the dispute with her neighbor is not an issue with the city. She raised her voice and did not want to hear about the violation. She did inform Officer Rose that she would move the fence and is waiting for the neighbor to move their fence. The fence of the neighbor is not in violation. Informed Ms. Siewinski that a citation would be issued and she would be able to contest at the Code Board. As of 3/29, fence is not in compliance and remains non-compliant.

Attorney William G. Knoebel appeared on behalf of Darlene Siewinski.

Mr. Knoebel questioned Officer Rose:

Attorney Knoebel:	Mr. Rose, you attached photographs to the citation, do you have those photos?
Office Rose:	I do.
Attorney Knoebel:	The neighbor in compliance, if you could go to that one the picture, the split rail fence, the neighbor is in compliance. Is that correct?
Office Rose:	The neighbor's fence is in compliance.
Attorney Knoebel:	The split rail? And then it's her fence, Ms. Siewinski's has the large tall plank fence, correct?
Office Rose:	Correct.
Attorney Knoebel:	And when you did your visual inspection, do the supporting braces for Ms. Siewinski's fence, are those right up against the split rail fence to your recollection?
Office Rose:	From my picture they are, correct, yea.
Attorney Knoebel:	I can't address Ms. Siewinski's language that you directed, but did she explain to you that in November 2006 before the fence was installed, they had a property survey done?
Office Rose:	No, she did not.
Attorney Knoebel:	And that the neighbor's fence encroaches on her property by six inches?
Office Rose:	In my notes, Ms. Siewinski said that the neighbor's fence was right on the property line.
Attorney Knoebel:	So, when Mills constructed that fence in 2006, if you could go back to the picture that shows backward, they could not slide the planks between the fence and the supporting braces to be in compliance with the Ordinance that was in place in 2006. Would that make sense from your visual inspection?
Office Rose:	Nothing says that a fence can't be further onto her property.
Attorney Knoebel:	I understand that, but this fence was installed in 2006; 15 years ago, and this was just brought to her attention in December of 2020. And so, in order to move her fence onto, she is going to have to tear down her fence or initiate an action against her neighbor to move the fence off of her line so that she can simply turn those boards around and come into compliance. Would that be a fair statement?
Office Rose:	Correct. That is the only side of the fence that is in compliance.
Attorney Knoebel:	Correct. So why Mills put that up in 2006, you have no understanding.
Officer Rose:	I do not.
Attorney Knoebel:	That is all of the questions I have for Mr. Rose.

Mr. Knoebel stated they are not disputing what was brought to their attention by Mr. Rose in 2020 that the 15 year old fence is not in compliance. However, Mr. Knoebel understands that as Mr. Rose acknowledged it is not the city's problem that a boundary issue exists. As a result, Mr. Knoebel will be required to initiate a case against the neighbor to reestablish the boundary line consistent with the survey and relocate the fences. Mr. Knoebel requested time to allow Ms. Siewinski to come into compliance and proceed with litigation. Mr. Knoebel stated the fence was installed in 2006. A check for the fence was issued to Mills Fence on December 18, 2006. A survey was done on November 16, 2006. Mr. Knoebel requested additional time to allow for litigation in civil court.

Chairman Johnson inquired as to how much time Mr. Knoebel required. Mr. Knoebel stated it is necessary he provide the neighbor notice of the encroachment. If the neighbor does not comply, the case will have to be litigated in civil court. Due to the current location of the fence, they are unable to have the boards removed. Therefore, it will require tearing down the fence, having the fence relocated six inches, or the neighbor move their fence. He requested four to six months, at a minimum, to proceed with the case through the court system. Chairman Johnson opened the floor for a motion.

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Board Member Spille requested clarification with regard to the supporting boards of the fence which were facing outwards, and that the split rail fence, belonging to the neighbor, is on Ms. Siewinski's property. Mr. Knoebel confirmed that is the issue in question and believes the fence encroaches by at least six inches. The support boards are flush with the split rail fence and Mills was unable to place the boards in because of the split rail fence. Mr. Spille motioned to continue the case six months to the October hearing to resolve the boundary issues. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2021-92-ZG
7704 Dixie Highway
Contested by: Jesse R. Shipp

City of Florence vs. Florence Lodge No. 314
Citation # MM-2021-11

Officer Macaluso presented the case as follows: Property is the Elks Club on Dixie Highway. 12/31/20, observed full size semi-trailer on property, sent first notice. Deck built on the rear of the trailer and appears to be being utilized for storage. Contacted the county and there are no permits or variances for the trailer. 2/2/21, inspection completed, no change; 2/25, no change, issued first citation. Contacted the county again and confirmed with Kevin Wall's office that they are unable to determine whether the trailer meets the preexisting nonconforming requirements. Unable to see the trailer on aerial photographs taken of the site in 2004. The Ordinance restricting the trailer took effect 1/1/2005. The county instructed the Elks Lodge to provide evidence that the trailer was there in 2004 prior to the 2005 ordinance. Alternatively, the Elks Lodge can request a variance from the Florence Board of Adjustment for the trailer. At this time, the property is not in compliance.

Jesse Shipp appeared on behalf of Florence Lodge No. 314. Mr. Shipp is the Kentucky State President of the Elks and the Secretary of the Florence Elks. Mr. Shipp previously spoke with Kevin Wall of the Boone County Planning Commission regarding the trailer last year. Mr. Shipp stated he was told the trailer was in compliance as it was preexisting. Members of the Elks Lodge went through old photographs and documents, but were unable to find any information when the trailer was installed. However, they know the trailer was installed in the fall of 2004, because the gentleman who negotiated the donation of the trailer, passed away in April of 2005. Mr. Shipp stated they do not keep records back that far, however, the trailer has been there for 16 years. Mr. Shipp stated the trailer has its own concrete pad, not visible from the street, and not an eyesore. He is requesting they be allowed to keep the trailer and not have to spend funds on removing the trailer which could be spent on charitable donations.

Chairman Johnson informed Mr. Shipp that if he is able to obtain a written statement from Kevin Wall stating the trailer was preexisting, the city would be able to dismiss the citation. Following issuance of the citation, Mr. Shipp stated Mr. Wall investigated photographs taken in March of 2004 and the trailer was not there. The trailer was placed in the fall of 2004. Mr. Wall informed Mr. Shipp there were no 2005 aerial photographs taken by the county due to budget constraints.

Board Member Spille clarified the photo identified by Officer Macaluso is a recent photograph and the city is unable to prove that the trailer was there in 2004. Officer Macaluso stated there was no evidence stating the trailer was not there in 2004. The burden of proof is placed on the owner to prove that the trailer was in place or request a variance through the Florence Board of Adjustment.

Mr. Skees inquired if the Elks Lodge had a current member that could testify the trailer was installed in the fall of 2004. Chairman Johnson questioned Mr. Shipp if there was a member of the Elks Lodge from 2004 that could testify. Mr. Shipp replied yes. Witness, James Mirick, was identified and sworn in by Chairman Johnson. Mr. Mirick stated he was the founder of the Florence Elks Lodge in 1995. The Elks Lodge purchased the building in 1997. He further testified that he was involved in the process of the trailer being donated and placed in that spot in the fall of 2004. Mr. Mirick stated the trailer was in place in the fall of 2004. Mr. Spille motioned to dismiss the citation. Mr. Rowland followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2021-60-PM
4756 Houston Road
Contested by: Devesh Patel

City of Florence vs. Athena Properties, LLC
Citation # BD-2021-25

Officer DeCarlo presented the case as follows: 12/10/20 observed graffiti on the back of the dumpster enclosure, sent first notice. 1/10/21 no change, second notice sent; 3/4 no change, first citation issued. Graffiti has been cleaned and property is in compliance.

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Devesh Patel appeared on behalf of Athena Properties, LLC. and stated his company recently purchased the property. Due to the property being under construction, there was no mailbox and mail was returned to the post office. They had not received the notices. Mr. Patel requested the citation be dismissed. Mr. Howard motioned to dismiss the citation. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2021-38-ZG
927-929 Virginia Ave.
Contested by Maribel Conner

City of Florence vs. Aarington Conner
Citation # BD-2021-15/ BD-2021-19

Officer DeCarlo presented the case as follows: 1/13/21 observed a trailer with a boat on grass in the rear yard and a shutter missing, sent first notice for both violations. 1/22, sent second notice for trailer; 2/1 no change; 2/2 issued first citation for trailer; 2/18 no change, issued second notice for shutter; 2/23, no change, issued second citation for trailer. Received a call from Mr. Conner stating he would have the trailer moved that weekend. Trailer was moved. Currently, the shutter is still missing and not in compliance; however, no citations have been issued for the shutter violation. Mr. Johnson clarified the trailer is removed and they had not received a citation for the shutter at this time. Officer DeCarlo stated yes.

Maribel Pinto appeared and stated they did move the trailer. The property is a rental property. They have not repaired the shutter yet, however, the shutter is next on the list of repairs to be completed. Ms. Pinto requested the citations be dismissed. Mr. Spille motioned to dismiss the citations. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

PARKING CASES: (18) PAID (4)

Case No.	City of Florence vs.	Citation Location	Citation No.
2021-27-TL	Paul Scott Jackson	Lucas Street	6
2021-28-TL	Erin Jackson	Lucas Street	7
2021-29-TE	Kenneth Webb	Pinehurst Drive	754 - PD
2021-30-JS	Richard Gadd	160 Roberta Ave.	2577
2021-31-JS	Jose Espinosa	223 Claxton	2578 - PD
2021-32-JS	Richard Gadd	160 Roberta Ave.	2579
2021-33-PC	Hannah Scale	Fair Court	2642
2021-34-PC	Anthony Buel	Fair Court	2643
2021-35-PC	Baidy Barry	Fair Court	2644
2021-36-PC	Romeo Perez	Fair Court	2645 - PD
2021-37-PC	Kristie Thomas	Fair Court	2646
2021-38-PC	Thomas Keissler	Fair Court	2647
2021-39-PC	Nicholas Scott	Fair Court	2648 - PD
2021-40-PC	Regenald Denmark	US 42/I-75	2649
2021-41-AM	Autumn Mitchuson	8317 Tamarack Drive	2652
2021-42-AM	Casey Lawhorn	8317 Tamarack Drive	2653
2021-43-KG	Bryan Tingle	237 Main Street	2865
2021-44-LT	Lindsay Ward	39 Ridgeway	2951

No one appeared to contest the stated parking violations. Mr. Sharp motioned to uphold all parking violations. Mr. Howard followed with a second. **Motion was carried by unanimous vote.**

ANIMAL CONTROL CASES: (0) None

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OCCUPATIONAL LICENSE CASES: (9) Paid (1)

Case No.	City of Florence vs.	Citation Location	Citation No.
2021-2-OC	Matsuya Japanese Restaurant	7139 Manderlay Drive	MM-2021-12 - PD
2021-3-OC	Supermercado Garcia II LLC	7914 Dream Street	MM-2021-13
2021-4-OC	Wabi Sabi Florence LLC	8085 Connector Drive	MM-2021-15
2021-5-OC	Correa Family LLC	7205 Houston Road	MM-2021-16
2021-6-OC	Jumpcrew	7766 Ewing Blvd	MM-2021-19
2021-7-OC	Uptown Rental Properties	2 Circle Drive	MM-2021-20
2021-8-OC	JL Bayridge Inc. DBA Redwing	8071 Connector Drive	MM-2021-21
2021-9-OC	Fisher Ludlow/Nucor	6900 Houston Road	MM-2021-25
2021-10-OC	Richard K. Mullins DMD	7205 Dixie Highway	MM-2021-26

Officer Macaluso requested the citation for Case #2021-3-OC, Supermercado Garcia II LLC, 7914 Dream Street be dismissed. There was a clerical error and it should be dismissed. Mr. Rowland motioned to dismiss the case. Mr. Sharp followed with a second. **Motion was carried by unanimous vote.**

FIRE PREVENTION CASES: (2) PAID (0)

Case No.	City of Florence vs.	Citation Location	Citation No.
2021-4-FP	Don Meagher	37 Grand Ave	RC-2021-04
2021-5-FP	Don Meagher	37 Grand Ave	RC-2021-05

CITATIONS ISSUED – NO RESPONSE – FINAL ORDER: (51) Paid (7)

Case No.	City of Florence vs.	Citation Location	Citation No.
2021-53-ZG	Sandra Ante	8567 Winthrop Circle	BD-2021-18
2021-54-ZG	Conner Aarington	927-929 Virginia Ave	BD-2021-19
2021-55-ZG	Jose Morocho	23 Lloyd Ave.	BD-2021-20 - PD
2021-56-PM	Pearl Pernell	10 Lloyd Ave	BD-2021-21
2021-57-PM	Chester Mutters	416 Foster Ave	BD-2021-22
2021-58-NU/ZG	Cory Hatch	17 Lucas Street	BD-2021-23
2021-59-ZG	Gregel-Gamm Florence-Weaver LLC	Villages of Weaver Mill	BD-2021-24
2021-60-PM	Athena Property LLC	4756 Houston Road	BD-2021-25
2021-61-PM	Coltyn Keairns	8392 Red Cedar Court	BD-2021-26 - PD
2021-62-PM/ZG	Steven & Rose Young	67 Stonegate Drive	BD-2021-27
2021-63-PM	Amanda Hitchcock	2 Roger Lane	BD-2021-28
2021-64-ZG	Sandra Ante	8567 Winthrop Circle	BD-2021-29
2021-65-PM	Pearl Pernell	10 Lloyd Ave	BD-2021-30
2021-66-PM	Chester Mutters	416 Foster Ave	BD-2021-31
2021-67-NU	Turfway Baseline LLC	7102-7120 Turfway Road	BD-2021-32
2021-68-PM/NU	Southern Rock Restaurants LLC	4931 Houston Road	BD-2021-33
2021-69-ZG	Craig Purdy	39 Drexel Ave.	BD-2021-34
2021-70-PM	Brendan Bamford	11 Dorcas Ave.	BD-2021-35 - PD
2021-71-PM	Helen Cheyne	210 Center Park Drive	BD-2021-36
2021-72-PM/ZG	Willard & Shirley McClintock	10 Kennedy Court	BD-2021-37
2021-73-PM	Samuel Craig Properties, LLC	3 Banklick Street	BD-2021-38
2021-74-PM/ZG	Landings Properties Leasing LLC	76 Miriam Drive	BD-2021-39
2021-75-NU	Nicholas Diamon	13 Kelly Drive	DR-2021-17
2021-76-ZG	Darlene Siewinski & Clyde Holcomb	28 Meadowcreek Drive	DR-2021-18

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2021-77-ZG	Alan Shaw	1520 Taramore Place, Unit 203	DR-2021-19
2021-78-ZG	Raul Mejia	262 Suzanne Way	DR-2021-20 - PD
2021-79-ZG	Myrtle & Marion Miniard	24 Cardinal Place	DR-2021-21
2021-80-ZG	Angela Combs	2770 Running Creek Drive	DR-2021-22 - PD
2021-81-NU	Amanda Nichols	4 Vivian Drive	DR-2021-23
2021-82-ZG	William & Deborah Prindle	224 Burgess Lane	DR-2021-24
2021-83-ZG	Rex Baker	10085 Armstrong Street	DR-2021-25
2021-84-ZG	Alan Shaw	1520 Taramore Place, Unit 203	DR-2021-26
2021-85-ZG	Angela Combs	2770 Running Creek Drive	DR-2021-27 - PD
2021-86-NU	Pam Schweitzer	28 Hearthstone Court	DR-2021-28
2021-87-PM	Tim & Darlene Leatherman	8451 Village Drive	DR-2021-29
2021-88-ZG	Doug Simmons	44 Creekside Drive	DR-2021-30
2021-89-ZG	Myrtle & Marion Miniard	24 Cardinal Place	DR-2021-31
2021-90-NU	Amanda Nichols	4 Vivian Drive	DR-2021-33
2021-91-PM/ZG	Danny Lauciello	7 Greystone Court	DR-2021-34
2021-92-ZG	Florence Lodge No. 314	7704 Dixie Highway	MM-2021-11
2021-93-ZG	Kayla Ziegelmeier	7752 Ravenswood Drive	MM-2021-14 - PD
2021-94-OC/PM/ZG	Don Meagher	37 Grand Ave	MM-2021-17
2021-95-OC/ZG	LA Fitness	430 Meijer Drive	MM-2021-18
2021-96-OC/PM/ZG	Don Meagher	37 Grand Ave	MM-2021-22
2021-97-OC/PM/ZG	Ann Griffith	5 Dell Street	MM-2021-23
2021-98-PM/ZG	Smokey Bones Bar and Fire Grill	7848 Mall Road	MM-2021-24
2021-99-PM	Jennifer Webb	6016 Spicewood Ave	RD-2021-04
2021-100-PM/NU/ZG	Aguilar Blanca Esteca	6672-6676 Highridge Ave	RD-2021-05
2021-101-PM	Restaurant Management Inc.	8061 Holiday Place	RD-2021-06
2021-102-ZG	Mariah Conley	103 St. Jude Circle	RD-2021-07
2021-103-PM	William Murray	136 Roger Lane	RD-2021-08

Officer DeCarlo requested Case #2021-37-ZG/NU, Denigan I LLC, 6550-6552 Nicholas Street, be reopened. Mr. Spille motioned to reopen the case. Mr. Sharp followed with a second. **Motion was carried by unanimous vote.** Officer DeCarlo requested dismissal of the citation as the citation was issued to the wrong address. Property is in compliance. Mr. Rowland motioned to dismiss the citation. Mr. Sharp followed with a second. **Motion was carried by unanimous vote.**

CONTINUED CASE (1):

Continued Case # 2020-65-PM
205 Kentaboo Ave.

City of Florence vs. Caitlin Roberts
Multiple Citations

Officer Macaluso presented the case as follows: No change to the property. Caitlin Roberts did not appear. Mr. Spille motioned to uphold the citations. Mr. Rowland followed with a second. **Motion carried by unanimous vote.**

Following ruling on the case, Officer Macaluso received a message was received that Ms. Roberts car was broken down and she was unable to attend the meeting. Ruling held.

ATTORNEY'S REPORT:

Attorney Hugh O. Skees advised no new developments on any litigation to report.

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ADJOURNMENT:

Chairman Johnson reminded the Board the next meeting will be held on May 5, 2021.

There being no further business to come before the Board, Chairman Johnson called for a motion to adjourn. Board Member Howard so moved, with a second from Board Member Sharp. **Motion passed with unanimous approval of the Board**, the time being 10:33 a.m.

ATTEST:


Melissa Kramer, Secretary

APPROVED:


Jim Johnson, Chairman

CITY OF
FLORENCE
KENTUCKY®